



ATTORNEY'S DOCKET NO.: 2001796-0008

1632
#4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: A. John Bramley
Serial No.: 10/087,667
Filed: February 28, 2002
For: TREATMENT OF STAPHYLOCOCCUS INFECTIONS

Examiner:
Group Art Unit: 1632

Assistant Commissioner for Patents
Washington, DC 20231

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Sir:

TRANSMITTAL

Enclosed please find the following documents regarding the above-referenced matter:

- 1) Statement Filed Pursuant to the Duty of Disclosure
Under 37 C.F.R. §§1.56, 1.97 and 1.98 (5 pages);
- 2) Disclosure Statement (Form PTO-1449) (4 pages.); and
- 3) Return Postcard.

Please charge any fees or credit any overpayments to our Deposit Account No. 03-1721.

Respectfully submitted,

Brenda Hersenbach Jarrell, Ph.D.
Reg. No.: 39,223

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Dated: July 2, 2002

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on July 3, 2002
Kathy Hunt Jagan



ATTORNEY DOCKET NO. 2001796-0008

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Title: TREATMENT OF STAPHYLOCOCCUS INFECTIONS

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ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231

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Sir:

STATEMENT FILED PURSUANT TO THE DUTY OF DISCLOSURE
UNDER 37 CFR §§1.56, 1.97 AND 1.98

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicants respectfully request consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

(Select A, B or C below)

A. ☒ This Information Disclosure Statement has been filed:

(check 1, 2 and/or 3 below)

1. ☐ within three months of the filing date of the above identified U.S. Patent application;
2. ☐ within three months of the filing date of the entry of the National Stage, as set forth in 37 C.F.R. §1.491, in an International application; and/or
3. ☒ before the mailing date of the first Office Action on the merits in the above-identified application.

No fee or certification is required.

07/15/2002 NICHAMM1 00000088 10087667

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B. ☐ This Information Disclosure Statement has been filed more than three months after the filing date of the present application and after the mailing date of this

Adjustment date: 09/09/2002 EEKUBAY1
07/15/2002 NICHAMM1 00000088 10087667
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Repl'n Ref: 09/09/2002 EEKUBAY1 0011190100
Date: 03/17/21 Name/Number: 10087667
FC: 704 \$130.00 CR

first Office Action, but before the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311.

(check 1 or 2 below)

1. ☐ The fee of \$180 as set forth in 37 C.F.R. §1.17(p) is enclosed; or
2. ☐ Applicants hereby certify, as specified in 37 C.F.R. §1.97(e), that
(check a or b below)
 - a. ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement; or
 - b. ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Statement.
 - c. ☒ items indicated by an asterisk were identified in a recent review of related files.

- C. ☐ This Information Disclosure Statement has been filed after the mailing date of either a Final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311 and before payment of an Issue Fee.

(check 1, 2, and 3 below)

1. ☐ The Applicant hereby certifies, as specified in 37 C.F.R. §1.97(e), that:
(check a or b below)
 - a. ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement.

- b. ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Statement.
2. ☐ A Petition requesting consideration of the Information Disclosure Statement is attached.
3. ☐ The Petition Fee of \$130 as set forth in 37 C.F.R. §1.17(i)(1) is enclosed.

PART II - Information Cited

- A. ☒ The Applicant hereby makes of record in the above-identified application the reference(s) listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.
- B. ☐ The Applicant hereby makes the following additional information of record in the above-identified application:

PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

- A. ☐ The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):
- B. ☐ The following are remarks concerning the other information cited:

PART IV: Remarks

- A. ☒ Copies of references
(check 1 or 2 below)

1. ☐ A copy of each of the references cited on the attached form PTO-1449 (modified) is enclosed;
 2. ☒ Copies of certain of the references cited on the attached form PTO-1449 (modified) are not enclosed because each of these references (indicated by asterisk) was previously cited by or submitted to the Office in a prior application, U.S.S.N. 09/337,079 , which prior application is relied upon for an earlier filing date under 35 U.S.C. § 120.
- B. ☒ It is respectfully requested that:
(check 1, 2, and 3 below)
1. ☒ The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
 2. ☒ The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited patent(s) and publication(s) has (have) been fully considered by the Patent and Trademark Office during the examination of this application;
 3. ☒ The citations for the patent(s) and publication(s) be printed on any patent which issues from this application.
- C. ☒ By submitting this Information Disclosure Statement, Applicants make no representation that a search has been performed, of the extent of any search performed, or that more material information may not exist.
- D. ☒ By submitting this Information Disclosure Statement, Applicants make no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

- E. [X] By submitting this Information Disclosure Statement, Applicants make no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.
- F. [X] Notwithstanding any statements by Applicants, the Examiner is urged to form his or her own conclusions regarding the relevance of the cited reference(s).

An early and favorable action is hereby requested.

Please charge any additional fees or credit any overpayments to our Deposit Account No. 03-1721.

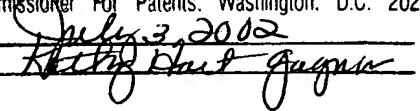
Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner For Patents, Washington, D.C. 20231 on July 3, 2002



Form PTO-1449
(REV. 8-83)

U.S. Department of Commerce
Patent and Trademark Office

Atty. Doc.
2001796-0008

In re Application No.
10/087,667

INFORMATION DISCLOSURE STATEMENT
(Use several sheets if necessary)

Applicant: A. John Bramley

Filing Date:
February 28, 2002

Group:

U.S. PATENT DOCUMENTS

Examiner's Initials	U.S. Patent No.	Applicant	Issue Date	Class	Subclass
	*4,931,390	Recsei	June 5, 1990	435	183
	*5,011,772	Recsei	April 30, 1991	435	69.1
	*5,124,145	Sordillo et al.	June 23, 1992	424	85.5
	*5,189,015	Höök et al.	February 23, 1993	514	2
	*5,234,684	Sordillo et al.	August 10, 1993	424	85.5
	*5,342,612	Daley et al.	August 30, 1994	424	85.1
	*5,607,919	Bojsen et al.	March 4, 1997	514	12
	*6,028,051	Climo et al.	February 22, 2000	514	2

U.S. PATENT APPLICATIONS

Examiner's Initials:	Serial Number:	Applicant:	Filing Date:	Group:	Art Unit:

FOREIGN PATENT DOCUMENTS

Examiner's Initials	Document No.	Country	Date	Translation	
				Yes	No
	*WO 87/06264	International	22 October 1987		
	*WO 96/35793	International	14 November 1996		
	*WO 99/05289	International	4 February 1999		
	*EP 0 359 873	Europe	19 September 1988		
	*EP 0 759 473	Europe	23 August 1995		

OTHER DOCUMENTS

Examiner's Initials	Citation (Including Author, Title, Date, Pertinent Pages, Etc.)
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*Kerr, et al., "Expression of Jet-Injected Plasmid DNA in the Ovine Mammary Gland and In Lymph Nodes Draining the Injection Site", **NOT MUCH HERE.**

*Klei, et al., "Effects of Milk Somatic Cell Count on Cottage Cheese Yield and Quality", *J. Dairy Sci.* 81:1205-13, 1998.

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Form PTO-1449 (REV. 8-83)	U.S. Department of Commerce Patent and Trademark Office	Atty. Docket: 2001796-0008	In re Application No. 10/087,667
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		Filing Date: February 28, 2002	Group:

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| | *Watson, et al., "A Field Trial to Test the Efficacy of a Staphylococcal Mastitis Vaccine in Commercial Dairies in Australia", |
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| | *Zavizion, et al., "Effects of Staphylococcus Aureus Toxins on the Growth of Bovine Mammary Epithelial Cells (MAC-T) in Culture", <i>J. Dairy Sci.</i> , 78 , 277-84, 1995. |

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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